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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,192	03/19/2004	Brig Barnum Elliott	03-4041	6754
32127	7590	01/14/2009		
VERIZON LEGAL DEPARTMENT PATENT MANAGEMENT GROUP 1320 N. COURTHOUSE ROAD 9TH FLOOR ARLINGTON, VA 22201-2525			EXAMINER	
FIELDS, COURTNEY D				
ART UNIT		PAPER NUMBER		
2437				
NOTIFICATION DATE		DELIVERY MODE		
01/14/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/804, 192

**Applicant(s)**

ELLIOTT, BRIG BARNUM

**Examiner**

COURTNEY D. FIELDS

**Art Unit**

2437

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues that the Examiner failed to address the substance of Applicant's traversal of the 35 USC 102 rejection. The Examiner respectfully disagrees and asserts that a reasoning for each argument has been addressed as disclosed in the response to arguments section of the final office action. See Below:

1. Applicant's arguments filed 01 July 2008 have been fully considered but they are not persuasive.
2. Referring to the rejection of claims 1, 15, 16, and 24, the Applicant contends that the prior art, Zweig et al. does not disclose, suggest, nor teach receiving in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message. The Examiner respectfully disagrees and asserts that Zweig et al. discloses authenticated and associated wireless units (third and fourth integers) are accepted to receive information from the wireless transceiver because the packets that contain the messages are associated with an access point. If the integers were non-authenticated wireless units, the packets containing the messages will not be forwarded to the wired backbone network (See Column 7, lines 58-67, and Column 8, lines 1-4)
3. Referring to the rejection of claims 13, 14, 23, and 25, the Applicant contends that the prior art, Zweig et al. does not disclose, suggest, nor teach receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message. The Examiner respectfully disagrees and asserts that Zweig et al. discloses a logic circuit located with the wireless unit receiving by way of the wireless transceiver the multicast packet (e.g. the IAPP multicast packet) transmitted by the associated access point that includes the control signal for causing the wireless unit to perform RTS (request to send)/CTS (clear to send) transmissions. In response to this control signal, the logic circuit sets a flag that enables RTS (request to send)/CTS (clear to send) transmissions. The logic circuit will thereafter transmit an RTS (request to send) packet prior to sending a data packet to the associated access point by way of the wireless transceiver, and wait a pre-determined time interval to receive a CTS (clear to send) packet from the associated access point. If the logic circuit receives the CTS (clear to send) packet from the associated access point within the pre-determined time interval, then the logic circuit transmits the corresponding data packet during the reserved time slot following the receipt of the CTS (clear to send) packet. If the logic circuit does not receive the CTS (clear to send) packet within the pre-determined time interval, the logic circuit retransmits another RTS (request to send) packet and repeats the same process again. (See Column 13, lines 5-23)
4. Therefore, the rejection of claims 1-25 are maintained in view of the reasons above and in view of the reasons below.